EPA's New Accountability Measure for TMDLs and TMDL Alternatives

Why now?
Most states have completed their TMDL lawsuit/settlement agreement requirements. EPA is accountable to OMB and Congress to show that the Clean Water Act is being implemented. States are willing to be accountable but need some flexibility. No one liked the old pace measure (certain number of TMDLs produced in a specific amount of time). States and EPA worked on this together.

What is it?
States will designate priority areas in which they will work to produce TMDLs and/or TMDL alternatives. Although EPA will ask for progress updates annually, the grand assessment of accomplishments will occur in 2022. The goal is to have "plans in place" for all priority waters by 2022.

EPA will assess progress using two measures:
WQ 27—tracks "plans in place" to address the long-term priorities of states.
WQ 28—tracks "plans in place" and progress towards "plans in place" within and outside of priorities.

Two things to note about the measures are that they overlap and that they are only designed to measure plans, not implementation. The TMDL alternatives that EPA has in mind include placement into Category 4b and placement into some other categories that Washington doesn't use, such as 5m (which some states use for mercury listings) and 5alt (which we may be able to use for our STI projects when the workplan is completed and approved but implementation has not proceeded far enough to result in placement into Category 4b).

What do states have to do?
States must designate their priority areas and describe what work has already been done in those areas to establish a baseline from which EPA will measure future accomplishments.

As part of the TMDL workload assessment that we do each time a new Water Quality Assessment is issued, the regions have also proposed the projects they expect to complete by 2022. In general, these are projects that are already underway, since 2022 is not that far off, and any projects not started at this time have less chance of being completed by then. We have assumed that these projects define our priority areas at the present time.

PMT should discuss the list of projects and decide whether they agree that these define our priority areas for the EPA accountability measures.

Proposed priorities

Region	Project name	Parameter	# Beans	Start date	Completion date	Progress to date
SWRO	Deschutes River Multiparameter TMDL	bacteria, pH, DO, temp, fine sediment	73	2003	2016	TMDL drafted, public comment period ended, responding to comments and finalizing to submit to EPA
	Lower white River pH TMDL	pH	3	1990	2017	Data collected, modeling in progress
	Cranberry, Johns, and Mill Creeks temperature TMDL	temperature	14	2008	2017	Modeling done, writing draft for public comment
	Burnt Bridge Creek Watershed Multiparameter TMDL	bacteria, pH, temperature, DO	20	2008	2018	Data collected, modeling on hold—waiting for new EAP staff
	East Fork Lewis River Watershed Multiparameter TMDL	temperature, bacteria	34	2005	2019	Data collected, modeling on hold—waiting for new EAP staff
	Lacamas Creek Watershed Multiparameter TMDL	temperature, DO, bacteria, pH	31	2010	2020	Data collected, modeling not started yet
	Weaver Creek	bacteria	1	2016	2019	Planning to do an implementation project

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NWRO	Padilla Bay Fecal Coliform TMDL	bacteria	9	2015	2017	Just starting, have contacted stakeholders
	Sammamish River Temperature TMDL/DO TMDL	temperature, DO	10	2015	2018	Collecting data
	Soos Creek Temperature, DO, Aquatic Habitat TMDL	temperature, DO, biological indicators	19	2014	2016	Data collected, developing model
	Green-Duwamish Toxics Loading Assessment	multiple toxic pollutants	350	?	?	Data collected, developing model
	Newaukum Creek Fecal Coliform TMDL	bacteria	7	2015	2016	TMDL drafted
	Soos Creek Fecal Coliform TMDL	bacteria	12	2015	2016	Data collected
	French/Pilchuck Temperature and DO TMDL	temperature, DO	37	2016	2019	Data collected
	Lake Loma STI	phosphorus	1	2014	2015	Being implemented, STI workplan in progress
	Minter Creek Fecal Coliform STI	bacteria	4	2016	2017	Planning
	Big Beef Temperature/DO TMDL	temperature, DO	5	2017	2019	Planning
	Tahuya River Temperature/DO TMDL	temperature, DO	4	2018	2020	Planning

	Lower Skagit pH/DO TMDL	pH, DO	24	2020	2022	Planning

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NWRO	South Whidbey Island Fecal Coliform/DO/pH TMDL	bacteria, DO, pH	24	2018	2021	Planning
	Quilceda/Allen DO/pH TMDL	DO, pH	9	2019	2022	Planning
	Juanita Creek Fecal Coliform TMDL	bacteria	11	2016	2018	Planning
	South Lake Sammamish Tributaries Fecal Coliform TMDL	bacteria	4	2018	2020	Planning
	Sammamish River and Tributaries Fecal Coliform TMDL	bacteria	19	2020	2022	Planning
	Lake Ketchum STI	phosphorus	1	2016	2017	Planning
	Scriber Lake STI	phosphorus	1	2017	2018	Planning
	Sunday Lake STI	phosphorus	1	2019	2020	Planning
	Lake Union STI	phosphorus	1	2020	2022	Planning

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ERO	Spokane River Regional Toxics Task Force	PCB; 2,3,7,8-TCDD; 2.3.7.8-TCDD TEQ	24	2012	2027	Task force identifying sources, fate, and transport of PCBs; performing data collection; implementing PCB removal and source control BMPs
	Little Spokane River DO/pH TMDL	DO, pH, temperature	35	2012	2017	Model built, doing additional data collection
	South Fork Palouse Multi-parameter TMDL	temperature, DO, pH	34	2006	2018	Data collected, model run, may need UAA
	Hangman Creek DO/pH TMDL	DO, pH, temperature	21	2017	2020	Data gathered, model has been run, policy issues related to intermittent streams delaying project
	Pataha Creek TMDL	bacteria, DO, pH	15	2017	2022	Planning

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CRO	Upper Yakima Tributaries Temperature TMDL	temperature	32	2013	By mid-2016 – likely before that date	Data collected, found some monitoring issues, also water right and fish passage issues. TMDL being drafted. After resolving some small issues will be ready for submittal.
CRO	Tieton and Lower Naches Temperature TMDL	temperature	12	2014	Mid-2018	Monitoring just started
CRO	Lower Yakima Basin Temperature TMDL	temperature	8	2014	2022	Existing data being collected and reviewed. In planning.
CRO	Mid-Yakima Basin Bacteria	FCB	25	Started	Mid-2016	In public review. Ready to submit soon.
CRO	Yakima River Basin Toxics Action Plan/TMDL	Toxics	64	2012	2024	Organizing of a local workgroup has begun
CRO	Lower Yakima Basin Bacteria TMDL	FCB	15	2016	2019	To be developed

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CRO	Lower Yakima Basin DO/pH TMDL	DO, pH	40	2015	2022	In planning
CRO	Rock Creek Temperature and DO 4(b)	Temperature, DO	7	2014?	2016	Some BMPs already implemented; Conservation District and land owners quite involved in protection and restoration

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BFO	South Fork Nooksack Temperature TMDL	temperature	22	2012	2016	Modeling complete, TMDL being drafted, natural conditions issue
	Drayton Harbor Bacteria TMDL	bacteria	17	2008	2017	Data collected, modeling finished, may need to re-analyze new data
	Whatcom Creek Fecal Coliform TMDL	bacteria	8	2001	2017	Data collected, Bellingham implementing
	Squalicum Creek Pilot TMDL	bacteria	6	2012	2016	Model being designed